

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LATOYA GILLIAM, ET AL.,

Plaintiffs

v.

**UNITED STATES DEPARTMENT OF
AGRICULTURE, ET AL.,**

Defendants

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Case No. 20-cv-3504-JMY

ORDER

AND NOW, this 11th day of September, 2020, upon consideration of Plaintiffs' Motion for Preliminary Injunction (ECF No. 4), and all documents and evidence submitted in support thereof and in opposition thereto, and following a Hearing held on August 20, 2020, it is hereby **ORDERED**, for the reasons set forth in the Memorandum issued concurrently herewith, that:

1. Plaintiffs' Motion for Preliminary Injunction is **GRANTED**.
2. Defendants United States Department of Agriculture ("USDA") and USDA

Secretary George Irvin Perdue, III, in his official capacity, are hereby **ENJOINED** as follows:

To the extent that the Department of Human Services of the Commonwealth of Pennsylvania submits requests, in accordance with Section 2302(a)(1) of the Families First Coronavirus Response Act ("Section 2302(a)(1)"), for emergency allotments, supported by sufficient data (as determined by the Secretary through guidance), to address the temporary food needs of Pennsylvania households participating in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008:

(a) Defendants are **PRELIMINARILY ENJOINED** from implementing, or denying such requested emergency allotments based upon, their unlawful guidance provisions, most recently updated as of April 21, 2020, stating that "[a] household's [emergency allotment] cannot increase the current monthly household SNAP benefit allotment beyond 'the applicable maximum monthly allotment for the household size[.]' and that SNAP households that already receive the maximum monthly allotment for their household size are not eligible for [emergency allotments]"; and

(b) Defendants **SHALL** approve or deny such requests in accordance with the statutory directive of Section 2302(a)(1) as construed by this Court in the Memorandum issued concurrently herewith.

3. This preliminary injunction is immediately effective upon the issuance of this Order.

4. Plaintiffs shall not be required to post a bond pursuant to Federal Rule of Civil Procedure 65(c), as the circumstances of this case represent an instance warranting an exception to the bond requirement of Rule 65(c).

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge
Judge John Milton Younge